

**REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims are in the case.

**I. SPECIFICATION**

The specification has been amended to incorporate certain headings as appropriate to the present case. In addition, the trademark Calnox ML3263 and Baraxan D have been capitalized. The undersigned has been advised that Baker Petrolite is a company name and not a trademark. Calnox ML3263 is a 40% by weight solution (ph of 6) of a sodium salt of polyvinyl sulphonate polyacrylic acid copolymer (see Bates et al, U.S. Patent 6,380,136, at column 11, lines 55-59). Withdrawal of the objections to the specification is now respectfully requested.

**II. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION**

Claims 31-33 and 63 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the reasons detailed on page 3 and 4 of the Action. That rejection is respectfully traversed.

In order to reduce the issues and expedite prosecution, claim 63 has been cancelled without prejudice. The cancellation of claim 63 is not to be taken as a concession that any merit resides in the outstanding formal rejection.

With regard to claims 31-33, claim 31 has been amended so as to be an independent claim and claims 32 and 33 are now dependent on amended claim 31. Withdrawal of the 35 U.S.C. §112, second paragraph, rejection is now respectfully requested.

### **III. THE OBVIOUSNESS REJECTIONS**

Claims 49-51 and 54-63 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over 2004/0231848 A1 to Pakulski et al. Claim 52 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Pakulski et al and further in view of U.S. Patent 4,779,679 to Snaveley et al. Claims 52 and 53 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Pakulski et al and further in view of U.S. Patent 6,380,136 to Bates et al. Those rejections are respectfully traversed.

In order to expedite prosecution, and without conceding to the merit of the outstanding prior art rejections, claim 49 has been amended to specify that component (ii) is a scale inhibitor and to remove the wherein language. Basis for this amendment appears on the specification as originally filed on page 2, lines 23 and 24, page 3, lines 16-18 and page 4, lines 27-29 as well as in the Examples. No new matter is entered. In addition, claim 51 has been cancelled without prejudice and the term "production chemical" appearing in claims 52, 53 and 60 has been replaced by the expression "scale inhibitor".

Pakulski describes a well service composition comprising a fracturing fluid and a gas hydrate inhibitor (see, paragraphs [001 2] and [0027]). The fracturing fluid comprises at least a carrier fluid, usually an aqueous liquid, and a viscosifying polymer (see, paragraph [0013]). It appears that a proppant is optional (see, paragraph [0025]). The fracturing fluid may also contain additives such as crosslinking agents, biocides, breakers, buffers, surfactants and non-emulsifiers, fluorocarbon surfactants, clay stabilizers, fluid loss additives, foamers, friction reducers, temperature stabilizers,

diverting agents etc (see, paragraph [0016]). The fracturing fluid may also contain other additives such as surfactants, *corrosion inhibitors*, mutual solvents, stabilizers, *paraffin inhibitors*, tracers to monitor fluid flow back, etc (see, paragraph [0025]; emphasis added). Although Pakulski describes a fracturing composition that may contain certain oil field or gas field production chemicals, it does not suggest a delayed release gelling composition that contains a scale inhibitor. Furthermore, although Pakulski indicates that the reaction of the crosslinking agent can be retarded so that viscous gel formation does not occur until the desired time (see, paragraph [00171]), Pakulski suggests injecting the gas hydrate inhibitor into a formation into which the fracturing fluid has already been introduced (see, paragraph [0039]). If the gas hydrate inhibitor is introduced into the formation after the fracturing fluid, there is a risk that the gas hydrate inhibitor may not become trapped within the gel and, accordingly, there may be no delayed release of the inhibitor. It is also significant that the list of useful applications for the fracturing fluid given at paragraph [0042] of Pakulski does not include "squeeze" treatments for delivering a scale inhibitor into the near wellbore region of a production well. Indeed, it is observed that the pressure applied to the delayed release gelling composition in a scale inhibitor squeeze treatment must be less than the pressure that induces fractures in a formation. Otherwise, there is a risk that the gelling composition (and hence the scale inhibitor) would not be correctly delivered to the near wellbore region of a production well but could "leak-off" into the induced fractures. Accordingly, the person of ordinary skill would have no incentive to modify the fracturing fluid of Pakulski et al by incorporating a scale inhibitor (such as the scale inhibitor of Snively et al or Bates et al).

COLLINS et al  
Appl. No. 10/524,050  
April 11, 2007

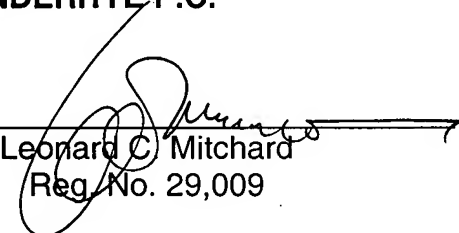
In light of the above, it is believed that one of ordinary skill in the art would not have been motivated based on the cited references to arrive at the invention as now claimed. Absent any such motivation, it is believed that a *prima facie* case of obviousness has not been generated in this case. Reconsideration and withdrawal of the outstanding obviousness rejections are accordingly respectfully requested.

Favorable action is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Leonard C. Mitchard  
Reg. No. 29,009

LCM:lff  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100